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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,947	08/27/2001	Keith David Ludwig	BT-001	5176

29956 7590 06/05/2007
TIMOTHY P. O'HAGAN
8710 KILKENNY CT
FORT MYERS, FL 33912

EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/939,947

Applicant(s)

LUDWIG ET AL.

Examiner

Olabode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/9/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseltine et al. (USPN 6578015) (Haseltine) in view of Mason (USPAP 20010051919) (Mason).

Re claims 1, 7, 11, 16, 18 and 19: Haseltine teaches a method and corresponding system for providing electronic bill presentment and payment services, the method comprising: receiving an invoice file comprising billing data from each of multiple biller clients and populating a billing database with the billing data, the billing data comprising, for each of a plurality of bills, an amount due and settlement and payment option (col. 4, lines 53-61; col. 6, lines 60-61); receiving an instruction file from a particular payer client representing a transaction for reading, from the billing database, billing data comprising bills from each of multiple biller clients for the particular payer client (col. 6, line 30 - col. 7, line 14); performing the transaction utilizing data included in the instruction file to generate a client response document, the client response document comprising response data comprising billing data for bills from each of multiple biller clients for the particular payer client (col. 6, line 30 - col. 7, line 14; col. 5, lines 26-59); providing a client response document comprising the response data in a specified document format corresponding to the payer client (col. 5, lines 26-59); receiving an instruction file from the client representing a transaction for authorizing payment on at least one of the bills from each of multiple biller clients (col. 6, lines 30 - col. 7, line 14); performing the transaction utilizing data included in the instruction file to initiate payment on the at least one of the bills from each of multiple biller clients and manipulating the billing data to reflect settlement of such at least one of the bills (col. 6, lines 30 - col. 7, line 14).

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Haseltine does not explicitly teach the settlement and options comprise an indication of a discount if paid prior to a discount expiration date. Mason teaches settlement and options comprise an indication of a discount if paid prior to a discount expiration date (abstract, Figs. 2-4, section [0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this feature as taught by Mason. One would have been motivated to do so in order to encourage client to pay their bills on time by providing an incentive to receive a discount on bills by paying such bills within a designated number of days. Haseltine and Mason do not explicitly teach allowing a customer to make a selection to obtain specific (in this case with discount expiration date) invoices from multiple billers.

Official notice is hereby taken that this feature is notoriously old and well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this feature. One would have been motivated to do so in order to allow the customer to select what data/invoice to retrieve.

Re claims 2, 3, 6, 10, 15 and 17: Haseltine teaches the step wherein the response data is formatted as an XML message and wherein the client response document is an HTML document (col. 5, lines 26- 36).

Re claims 4, 13 and 23: Haseltine teaches the step wherein the specified document format is defined by a style sheet which includes a plurality of document fields and the step of providing the client response document comprises populating each document field by matching data from the response data to a document field (col. 5, lines 37-58).

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Re claims 5, 8, 9 and 14: Haseltine teaches the step wherein the response data comprises a plurality of data fields and a plurality of predetermined tags, each tag identifying one of the plurality of data fields and wherein the step of populating each document field comprises matching the field to a tag identify data for inclusion within the document field (col. 4, lines 57-60; col. 5, lines 45-49).

Re claims 12: Haseltine teaches the step wherein the data response file comprises an XML message, wherein the presentation server utilizes the content of the XML response message to build the client document, and wherein the instruction file is an XML remote processing call (col. 5, lines 26-36).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) US Patent 6,032,132 to Nelson (see at least col.2, line 11- col.8, line 19).

(b) US Publication 2002/0082990 A1 to Jones (see at least abstract and paragraphs 0030, 0036).

(c) US Publication 2002/0184123 A1 to Sijacic et al. (see at least abstract and paragraph 0097).

All disclose "an electronic bill presentment and payment system".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kanilowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER